SOUTHERN DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK	DOCKET NO. 04 M.D. 1598 (JSR)
IN RE EPHEDRA PRODUCTS LIABILITY LITIGATION	X : :
JOHN GOLDEN,	USDC SDNY
Plaintiff,	DOCUMENT ELECTRONICALLY FILED
v.	11 - 2 - 2 - 1
N.V.E., INC., et al.	DATE FILLED: 12-13-07
Defendants.	· : = x

PERTAINS TO DOCKET NO. 1:07-cv-7618 (JSR); 1:06-cv-13024 (JSR)

STIPULATION AND AGREED ORDER OF DISMISSAL WITH PREJUDICE

Pursuant to this Court's Case Management Order No. 2, Plaintiff John Golden, and Defendants N.V.E. Pharmaceuticals, Inc. ("NVE, Inc."), and Rite Aid Corporation, by and through counsel, being in agreement, hereby advise the Court that Plaintiff's Complaint against all Defendants should be dismissed, with prejudice, each party to bear its own costs.

Based upon the agreement of the parties as set forth above;

IT IS ORDERED that Plaintiff's Complaint against all Defendants, be, and the same is hereby, DISMISSED, with prejudice, each party to bear its own costs.

SO ORDERED this 11th day of December, 2007.

JUDGE, UNITED STATES DISTRICT COURT

SO STIPULATED:

Anne Andrews, Esq. Andrews & Thornton

2 Corporate Park, Suite 110

Irvine, California 92706

Tel: (949) 748-1000

Fax: (949) 315-3540

Attorneys for Plaintiff

Steven Kirsch, Esq.

Murnane Brandt

30 East 7th Street, Suite 3200

St. Paul, Minnesota 55101

Tel: (651) 227-9411 Fax: (651) 223-5199

E-mail: skirsch@murnane.com

Attorneys for Defendant NVE, Inc.

SEE ATTACHED

Jonathan Allan Klein

Kelly, Herlihy & Klein, LLP

44 Montgomery, Suite 2500

San Francisco, CA 94104

Tel: (415) 951-0535

Attorneys for Defendant Rite Aid Corporation

Jonathan Allan Klein

Kelly, Herlihy & Klein, LLP 44 Montgomery, Suite 2500 San Francisco, CA 94104

Tel: (415) 951-0535

Attorneys for Defendant Rite Aid Corporation